IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 4617 of 2007(Y)

PETITIONER: PETITIONER

KERALA KHADI & VILLAGE INDUSTRIES BOARD, THIRUVANANTHAPURAM, REPRESENTED BY ITS PROJECT OFFICER, DISTRICT KHADI & VILLAGE INDUSTRIES OFFICE, ERNAKULAM.

BY ADV. SRI.K.P.HARISH,SC,KERALA KHADI BOARD

RESPONDENTS: RESPONDENTS
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1. ASST. COMMISSIONER, EMPLOYEES PROVIDENT FUND REGIONAL OFFICE, KOZHIKODE, KOZHIKODE DISTRICT. REPRESENTED BY ITS SECRETARY.

2. RECOVERY OFFICER, EMPLOYEES' PROVIDENT FUND, SUB REGIONAL OFFICE, P.B.NO.1806, ERANHIPALAM P.O., KOZHIKODE.

3. CHORODU PANCHAYATH CLAY-WORKERS' INDUSTRIAL CO-OPERATIVE SOCIETY NO.KVIND (D) 12, KOZHIKODE, REPRESENTED BY ITS ADMINISTRATOR.

BY ADV. SRI. THOMAS MATHEW NELLIMOOTTIL , SC FOR PF.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.4617 of 2007

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Dated this the 9th day of February, 2007.

JUDGMENT

Petitioner claims that it is a mortgagee of the assets of the third respondent against whom proceedings are taken by the E.P.F. authorities for recovery of amounts due under the EPF and MP Act. Petitioner, being only a creditor mortgagee, the provisions of EPF and MP Act provide a better charge to the Provident Fund. Under such circumstances, it will be open to the petitioner to pay off the entire outstandings due from the third respondent under the EPF and MP Act and add on that also as a due from the third respondent since the petitioner would be paid the said amount under threat of distress action against the mortgaged property. The impugned sale will stand deferred by a period of one month to let the petitioner to pay off the outstandings as aforesaid. However, if the

payment as aforesaid is not made, the official respondents will be entitled to proceed, in accordance with law, without any fresh notice.

Writ petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

sl.